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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/728,091	12/05/2003	Heinz Focke	Q-78688	7307
23373	7590	04/07/2006	EXAMINER	
SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			JOERGER, KAITLIN S	
			ART UNIT	PAPER NUMBER
			3653	

DATE MAILED: 04/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/728,091	FOCKE ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Kaitlin S. Joerger	3653	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 13 January 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 2-6 and 8-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2-6, 8-13 and 15-20 is/are rejected.
- 7) ☒ Claim(s) 14 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 December 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>12/20/05 2/20/04</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Drawings***

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "20" and "21" have both been used to designate the feeder. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

Claim 10 objected to because of the following informalities: The claim number from which claim 10 depends from is missing. The examiner treated claim 10 as though it depends on claim 20. In addition, the claims are replete with grammatical mistakes and it is suggested by the examiner that the applicant carefully review the claims and correct all grammatical errors. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

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The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 2 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Koelle (US Patent 6,942,216).

Koelle teaches a method for the handling and transport of blanks, comprising the steps of:

a) severing a double coupon (100) to form two coupons lying adjacent to one another, see figure 1, b) first transporting by a conveyor in a region of a packaging machine, D, in a longitudinal direction the severed coupons (100a, 100b) lying adjacent to one another in pairs, and, during said first transporting, separating the coupons in such a manner that the coupons are further transported in succession and at a distance from one another, see column 4, lines 23+. Koelle further teaches a method wherein the coupons are simultaneously supplied and are transported at initially different speeds, see column 5, lines 30+, such that a spacing is produced in the transporting direction between the coupons, and wherein the two coupons are further transported in said succession at said distance from one another. Koelle further teaches a method where the coupons are stabilized by pressure exerting elements, 334a-d, which act upon the folding edge of the coupons during transport.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5, 8, 9, 13, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koelle in view of Wyssman.

Koelle teaches an apparatus for the handling of blanks, wherein packs are transported as a distance from one another in a transporting direction along a conveying path in a region of a processing machine. The apparatus includes a means for supplying the blanks lying adjacent to one another in pairs to a conveyor, see figure 1, means for altering the relative positions of the blanks by the use of different speeds of said conveyor such that the coupons are transported in succession and at a distance from one another, see column 4, lines 23+, and delivering the blanks to a further processing machine. The apparatus further comprising belts, wherein the blanks arrive in pairs, are transported in a first instance along two paths by belts, which are driven at different conveying speeds such that the adjacent blanks are offset in the transporting direction during transportation, see column 5, lines 30+. The blanks are originally conveyed beside each other by the conveyor and then conveyed to a converging conveyor which is common to both pairs of blanks, see figure 6B. Koelle further teaches pressure exerting elements, 334a-d for stabilizing the edge of the blanks and arranged in the conveying path, see figure 3.

Koelle, however, fails to disclose that the further processing machine at the end of the conveyor is a packaging machine which applies an outer wrapper to each pack. The Wyssman patent does teach such a feature. The Wyssman patent teaches an apparatus for the handling and

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transporting of blanks to a packaging machine, 11, see figure 1. He further teaches magazines, 9A through 9C at the end of a conveyor, which has laterally offset shafts for each of the stacks of blanks, a distributor is arranged between the shafts for supplying the blanks to the shafts, see figure 2.

As Koelle teaches a further processing machine D, it would have been obvious to one of ordinary skill in the art to combine the packing machine of Wyssman with the handling apparatus of Koelle in order to package the cut and stack blanks into paper reams for shipping.

Claims 3, 4, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koelle as applied to claim 18 above, and further in view of Auerbach and Ricciardi.

Koelle does not teach a method where the coupons are horizontally oriented during transportation by the coupon conveyor, are turned through 90° to an upright position and thereafter, are deflected in respects to the transporting direction through another 90° angle. It is well known in the art that blanks can be rotated and reoriented during transport by conveyors, and this feature is clearly taught by Auerbach. Auerbach first teaches reorienting blanks from a horizontal to a vertical position so that the blanks can then be turned through a 90° turn, see figure 2 and 1.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the reorienting feature of Auerbach in the blanks conveying apparatus of Koelle in order to limit the overall length on the conveying path by turning the path around a corner.

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Neither Koelle nor Auerbach teach reorienting the blanks after they have been turned to a horizontal orientation, but Ricciardi does. He teaches reorienting vertically oriented blanks to a horizontal orientation through a 90° angle so that the blanks could be stacked on a vertical stack, see figure 2. It would have been obvious to one of ordinary skill in the art to reorient the sheets to a horizontal orientation after they have been transported around a 90° corner in order to allow the sheet to be stacked on vertical stackers.

Neither Aurebach nor Ricciardi teach a method, however, it would have been obvious to perform the method steps of claims 3, 4, and 19, with the apparatus taught by the combination of Koelle, Aurebach, and Ricciardi as the combination teaches and apparatus that clearly performs the method steps of claim 3, 4, and 19.

Claims 10, 11, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koelle in view of Wyssmann as applied to claim 20 above, and further in view of Auerbach and Ricciardi.

Neither Koelle nor Wyssman teach an apparatus where the coupons are horizontally oriented during transportation by the coupon conveyor, are turned through 90° to an upright position and thereafter, are deflected in respects to the transporting direction through another 90° angle. It is well known in the art that blanks can be rotated and reoriented during transport by conveyors, and this feature is clearly taught by Auerbach. Auerbach. first teaches reorienting blanks from a horizontal to a vertical position so that the blanks can then be turned through a 90° turn, see figures 1 and 2.

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It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the reorienting feature of Auerbach in the blanks conveying apparatus of Koelle in order to limit the overall length on the conveying path by turning the path around a corner.

Neither Koelle nor Auerbach teach reorienting the blanks after they have been turned to a horizontal orientation, but Ricciardi does. He teaches reorienting vertically oriented blanks to a horizontal orientation through a 90° angle so that the blanks could be stacked on a vertical stack, see figure 2. It would have been obvious to one of ordinary skill in the art to reorient the sheets to a horizontal orientation after they have been transported around a 90° corner in order to allow the sheet to be stacked on vertical stackers.

### ***Claim Rejections - 35 USC § 103***

Claims 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koelle in view of Wyssman as applied to claim 20 above, and further in view of Povio.

Neither Koelle nor Wyssman teach a feeder that comprises a feeder belt angled a number of times over deflection rollers. Povio, however, does teach this feature. He teaches a feeder belt, 58, angled a number of times over deflection rollers, to form a top receiving leg, intermediate leg, and a transfer leg. Coupons are held in abutment against the belt by guide, 58a, which follows that the contour of the belt, see figure 4.

It is well known in the art that conveyor belts can be positioned in order to reorient and change the position of conveyed sheets, as taught by Povio. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the reorienting and



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position changing of Povio with the apparatus taught by the combination of Koelle and Wyssman change the direction of the transported coupons in order to ready them for further processing.

***Allowable Subject Matter***

Claims 14 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

Claim 14 claims the specific structural components of the distributor. This feature was not found in the prior art, nor could the examiner determine any motivation to combine the distributor of the claim with the apparatus of the most relevant prior art, US Patent 5,590,507.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kaitlin S. Joerger whose telephone number is 571-272-6938. The examiner can normally be reached on Monday - Friday 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen Lillis can be reached on 571-272-6928. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ksj

31 March 2006



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